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# National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

# Turkmenistan

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# I. Introduction

## Methodology and consultation process

1. Turkmenistan has made considerable progress in addressing some of the issues and recommendations identified during the dialogue on the situation of human rights in Turkmenistan that was held on 22 April 2013 at the 1st meeting of the Human Rights Council during the second cycle of the universal periodic review.

2. The present report, which was prepared in accordance with the general guidelines set out in Human Rights Council decision 17/119, focuses on developments in the human rights situation in the country since the previous review. It contains information on the key legislative, judicial, administrative and other measures that have been taken in this regard.

3. The national report was drawn up by the Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law. The report is based on information provided by State bodies and institutions and by voluntary associations. During the preparation of the report, multilateral consultations on the reporting methodology under the universal periodic review mechanism were held with international experts invited by United Nations agencies.

4. In November 2017, technical consultations were held with an international expert from the United Nations Development Programme (UNDP), and a methodological workshop was held for the members of the working group set up by the Interdepartmental Commission to draft the third national report of Turkmenistan for the universal periodic review. As the draft report was being prepared, efforts were made to widely disseminate the information it contained among the general public.

5. The draft report was discussed at a round-table meeting in which representatives of the Interdepartmental Commission took part. The results of the discussion were taken into account in the revision process and are reflected in the final version of the report.

# II. National implementation of recommendations from the second cycle

6. The current stage of the country's development is one of radical change in the political, economic, social and cultural life of its people as a result of the sweeping reforms undertaken by President Gurbanguly Berdimuhamedov. With a view to creating the necessary conditions for a life of dignity for all its citizens, the Government of Turkmenistan is further reforming its national system for the protection of human rights and is taking vigorous and consistent action to fulfil its international obligations towards the world community. Today, significant efforts are under way on many fronts to consolidate age-old democratic traditions in Turkmen society and the legal framework of the State, develop civil society and expand the exercise of political, economic, social and other civil rights.

## Ratification of international instruments (recommendations Nos. 113.1, 113.3, 113.2, 113.4, 113.6, 113.7, 113.8, 113.9, 113.10, 113.11, 113.12, 113.13, 113.14, 113.15, 113.16, 113.17, 113.18, 113.19, 113.20, 113.51, 113.58 and 112.1)

7. Since the submission, in 2013, of its second report for the universal periodic review, Turkmenistan has acceded to a number of international treaties, including the Paris Agreement, adopted on 12 December 2015 at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (14 October 2016); the Berne Convention for the Protection of Literary and Artistic Works (12 January 2016); the Convention (No. 185) revising the Seafarers' Identity Documents Convention,

1958 (9 November 2013); and the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1954 and 1999 Protocols thereto (4 November 2017).

8. Currently, national experts are thoroughly examining the question of the country's accession to other international treaties, including the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education. To that end, the provisions of the above-mentioned international instruments are being analysed, national legislation is being reviewed for the purpose of harmonizing it with those provisions, and mechanisms for accession are being considered. However, the question of whether Turkmenistan should formulate reservations when acceding to these instruments is also under consideration.

9. Informational workshops and consultations are being held with members of the parliament and representatives of relevant State entities, in cooperation with international organizations.

10. Decisions in this regard will be based on the findings of a comprehensive review of all components of the national legal system and of the transposition and harmonization of these international norms within that system.

## Cooperation with human rights bodies and mechanisms (recommendations Nos. 112.23, 112.24, 113.16, 113.30, 113.31, 113.32, 113.33, 113.34, 113.35, 113.36, 113.37, 113.38, 113.39, 113.40, 113.41, 113.42, 113.43, 113.44, 113.45, 113.46, 113.47 and 113.48)

11. Turkmenistan cooperates constructively with international human rights mechanisms.

12. As part of the effort under way to enhance cooperation between the Government of Turkmenistan and the Office of the United Nations High Commissioner for Human Rights (OHCHR), during the thirty-fifth and thirty-sixth regular sessions of the Human Rights Council, held in 2017, various initiatives were taken to further advance the ideas of humanism and protection of human rights through the adoption of a number of relevant instruments at these sessions, including the following:

- Joint statement by Turkmenistan and Brazil on the recognition of the valuable contribution made by the refugee Olympic team to the strengthening of peace and human rights, sponsored by Turkmenistan;
- Human Rights Council resolution entitled "The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development", co-sponsored by Turkmenistan. The main sponsors of this resolution were Angola, Brazil, Cabo Verde, Guinea-Bissau, Haiti, Mozambique, Portugal and Timor-Leste.

13. Turkmenistan has submitted national reports on the implementation of the following instruments to the relevant treaty bodies, in accordance with the reporting schedule:

- Convention on the Rights of the Child, in 2011 (considered in 2015);
- Optional Protocol on the sale of children, child prostitution and child pornography, in 2011 (considered in 2015);
- Optional Protocol on the involvement of children in armed conflict, in 2011 (considered in 2015);
- Convention on the Rights of Persons with Disabilities, in 2012 (considered in 2015);
- International Convention on the Elimination of All Forms of Racial Discrimination, in 2015 (considered in 2016);

- Convention on the Elimination of All Forms of Discrimination against Women, in 2016 (to be considered in July 2018);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2015 (considered in 2016);
- International Covenant on Economic, Social and Cultural Rights, in 2016 (to be considered in 2018);
- International Covenant on Civil and Political Rights, in 2015 (considered in 2017);
- Common core document, in 2015.

14. In addition, Turkmenistan submitted the following to the relevant OHCHR committees in 2017:

- Additional information on the follow-up to the concluding observations of the Committee on the Elimination of Discrimination against Women;
- Information concerning the global study on transitional justice;
- Information concerning the education system in Turkmenistan;
- Information on the position of Turkmenistan concerning cooperation with the Working Group on Enforced or Involuntary Disappearances.

15. Cooperation between Turkmenistan and United Nations entities has increased significantly in recent years, as shown by a series of joint projects carried out in various sectors: the United Nations Development Partnership Framework for 2016–2020, concluded in 2016 between the Government of Turkmenistan and the United Nations; the programme of cooperation between the Government of Turkmenistan and the United Nations Children's Fund (UNICEF) for 2016–2020; and the country programme action plan agreed upon between the Government of Turkmenistan and the United Nations Population Fund (UNFPA) for 2016–2020, among other initiatives.

## Constitutional and legal framework (recommendations Nos. 112, 112.2, 112.3, 112.4, 112.5, 112.6, 112.7, 112.8, 112.9, 112.10, 112.13 and 113.21)

16. In September 2016, Turkmenistan adopted a new Constitution that reflects not only the current realities of Turkmen society, such as a multiparty system and full transition to a market economy, but also many provisions of international treaties to which Turkmenistan is a party. In the new version of the Constitution, the section on human and civil rights and freedoms has been supplemented by 11 new articles that safeguard such rights and freedoms in accordance with the requirements of international law by enshrining them at the constitutional level. In particular, article 9 of the new Constitution enshrines the country's recognition of the primacy of universally accepted norms of international law.

17. Domestic legislation is being amended with a view to ensuring scrupulous compliance with international human rights obligations and standards.

18. In order to strengthen mechanisms for the protection and promotion of human rights, the authorities took steps during the reporting period to enact new laws and amend existing ones, including the following: Housing Code (amended) (2 March 2013); Privatization of Public Housing Act (22 June 2013); Denationalization and Privatization of State Property Act (18 December 2013); Education Act (amended) (4 May 2013); Electoral Code (4 May 2013); Citizenship Act (amended) (22 June 2013); National Youth Policy Act (29 August 2013); Human Organ and/or Tissue Transplants Act (29 August 2013); Act on the Protection of Citizens' Health from the Effects of Tobacco Smoke and Tobacco Consumption (18 December 2013); Anti-Corruption Act (1 March 2014); State Guarantees of Children's Rights Act (amended) (3 May 2014); Consumer Protection Act (8 November 2014); Public Health Act (23 May 2015); Physical Fitness and Sport Act (23 May 2015); Anti-Money-Laundering/Countering the Financing of Terrorism Act (18 August 2015); State Guarantees of Equal Rights and Equal Opportunities for Women and Men Act (18 August 2015); Professional Sports Act (18 August 2015); State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings Act (12 January 2016); Freedom

of Religion and Religious Organizations Act (amended) (26 March 2016); Breastfeeding Advocacy and Support Act (26 March 2016); Act on Prevention of the Spread of Disease Caused by the Human Immunodeficiency Virus (HIV infection) (amended) (26 March 2016); Employment Act (18 June 2016); Legal Instruments Act (26 August 2016); Trafficking in Persons Act (15 October 2016); Mandatory Safeguards of Deposits by Individuals Act (15 October 2016); Ombudsperson Act (23 November 2016); Mental Health Care Act (amended) (23 November 2016); Volunteerism Act (12 January 2016); Personal Information Protection Act (20 March 2017); Administrative Procedures Act (3 June 2017); Guardianship and Custody Act (3 June 2017); Anti-Doping in Sports Act (3 June 2017); Refugees Act (amended) (3 June 2017); Charitable Activities Act (26 August 2017); Blood Donation Act (26 August 2017); Economic Free Zones Act (9 October 2017).

## National human rights mechanisms (recommendations Nos. 113.22, 113.23, 113.24, 113.25, 113.26, 113.27, 113.28 and 113.29)

19. At the proposal of the President of Turkmenistan, the new Constitution introduces the institution of the Commissioner for Human Rights (Ombudsperson) of Turkmenistan (art. 71, para. 17). On 23 November 2016 the parliament of Turkmenistan adopted the Ombudsperson Act, which establishes the rights, duties, guiding principles and authority of the Ombudsperson and safeguards in respect of his or her activities. The law was drafted in cooperation with experts involved in the creation and strengthening of national human rights institutions, including the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE) and others. Under this law, the Ombudsperson is elected by the national parliament out of three candidates nominated by the President of Turkmenistan. The election is conducted by secret ballot and the winner is determined by a simple majority of votes (art. 4). On 20 March 2017, the parliament held a multicandidate election for the position of Ombudsperson.

20. The Ombudsperson's activities are public and are covered by the media. Both the Ombudsperson and his or her deputy enjoy personal immunity. The Ombudsperson acts independently and does not answer to any State bodies or officials. The Ombudsperson's mandate is consistent with the Paris Principles.

21. Under the law, the Ombudsperson submits an annual report to the President and the parliament concerning the activities of the Ombudsperson's office and the human rights situation in the country. The annual report receives media coverage in Turkmenistan.

22. In order to promote and protect human rights and freedoms and to implement the rules of international humanitarian law through national legislation and law enforcement, the following action plans were approved by presidential decision: National Action Plan on Gender Equality in Turkmenistan, 2015–2020 (22 January 2015); National Action Plan on Human Rights in Turkmenistan, 2016–2020 (15 January 2016); and National Action Plan against Trafficking in Persons, 2016–2018 (18 March 2016).

23. The national action plans include a variety of measures that reflect the concluding observations of the United Nations human rights treaty bodies and the recommendations accepted by Turkmenistan during the universal periodic review dialogue held in 2013. The plans include specific goals and targets, as well as steps for achieving them and indicators for assessing the progress made.

## Human rights education, training and awareness-raising (recommendations Nos. 112.14, 112.15, 112.16, 112.17, 112.18, 112.19 and 112.30)

24. To raise the awareness of government officials, youth, local authorities, law enforcement bodies and voluntary associations in the field of human rights, including women's and children's rights and gender equality, the National Institute for Democracy and Human Rights, which is attached to the Office of the President, regularly holds talks, meetings and round-table discussions on the protection and exercise of civil rights and

freedoms and on the legal framework underpinning them. These activities take place at the human rights information centres located in Ashgabat and in all provinces of the country.

25. Regarding cooperation with the UNFPA office in Turkmenistan, during the reporting period (2013–2017), 30 workshops involving more than 750 participants were held in all provinces of Turkmenistan in order to raise public awareness of gender equality, further inculcate gender equality principles in all spheres of life and strengthen women's role in society.

26. In 2017, a compendium of national legislation and international instruments in the area of gender equality was compiled and published.

27. In order to raise awareness on gender issues, representatives of the Women's Union of Turkmenistan, in cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) office in Turkmenistan, conducted a series of workshops in 2015 in Ashgabat and in the provinces.

28. In 2014, the Public Service Academy attached to the Office of the President held a workshop on the theme "Gender issues in public administration". Moreover, e-learning courses on gender and demography were developed in 2014, and master's degree courses on demography and gender equality were developed in 2017.

29. Under article 93 of the Courts Act (amended version of 8 November 2014), the Supreme Court of Turkmenistan has an information centre that holds workshops for court staff with a view to enhancing their capacity to provide information on issues concerning case law and to clarify laws and regulations.

30. The Supreme Court of Turkmenistan drafted a policy outline for the development of the justice system in Turkmenistan for the period 2017–2021. This document was approved by presidential decree on 18 March 2017. Under the policy outline, the work of the information centre will be improved through the use of the Internet.

31. Under a project being carried out by UNDP and the Supreme Court, a system for the electronic filing of complaints is being piloted at the Kopetdag District Court in Ashgabat.

32. With the collaboration of international experts, 5 workshops for judges and court officials were held in 2015, with 51 participants; 6 workshops were held in 2016, with 38 participants; and 16 workshops were held in 2017, with 305 participants.

33. In 2017, a joint project was carried out by the Supreme Court of Turkmenistan and UNDP, as part of the implementation of the national human rights action plan for 2016–2020.

34. During 2017, judges and court officials participated actively in workshops and round-table discussions on various topics, including issues concerning media activity and the improvement of media performance in Turkmenistan and best practices in combating the financing of terrorism, and in other events organized by the OSCE Centre in Ashgabat.

35. With the support of the German Agency for International Cooperation (GIZ) regional programme "Promotion of the rule of law in Central Asia", workshops were held to explain the provisions of the Code of Civil Procedure, with the participation of 96 court officials.

## Training of internal affairs officers

36. Service and combat training programmes for internal affairs officers cover a number of human rights issues, including gender equality and the rights of the child.

37. The curriculum of the Ministry of Internal Affairs Institute includes components on labour law, family law, administrative law and criminal law, as well as the specific topics of gender equality, domestic violence, legal remedies for victims and instructions for police officers on the conduct of interviews and arrests.

38. In order to provide specialized training in the investigation and documentation of cases of torture by the Penal Correction Department, the Ministry of Internal Affairs and its

local offices continually hold training sessions at which the international conventions and treaties to which Turkmenistan is a party are discussed. Between 2011 and 2016, the Penal Correction Department of the Ministry of Internal Affairs held 55 training sessions on this topic, which were attended by 418 staff members; correctional institutions held 74 training sessions, which were attended by 1,542 staff members. In 2017, the Department held 5 training sessions attended by 106 staff members, and correctional institutions held 20 training sessions attended by 1,596 staff members.

39. Training sessions were also held to clarify the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for staff of the relevant subdivisions of the Ministry of Internal Affairs. Between 2012 and 2017, the Department and correctional facilities of the Ministry of Internal Affairs conducted 106 training sessions on this topic, which were attended by 7,356 staff members. Other relevant units of the Ministry of Internal Affairs conducted 6 training sessions, which were attended by 229 people.

40. Workshops, courses and training sessions covering international standards for the treatment of prisoners are held at the Ministry of Internal Affairs Institute in cooperation with international organizations, including the OSCE Centre in Ashgabat, and study visits to other countries are carried out. Between 2012 and 2016, 200 Ministry of Internal Affairs staff members took part in 24 workshops held in Turkmenistan and 11 such initiatives held in other countries. In 2017, there were 20 workshops and 2 study visits abroad, in which 38 Ministry of Internal Affairs staff members took part.

## III. Civil and political rights

### Freedom of association (recommendations Nos. 113.77, 112.59 (g), 113.83 (g), 113.87 (g), 113.82, 113.81, 113.75, 113.76, 113.79 and 113.80)

41. The legislation of Turkmenistan on voluntary associations is based on universally recognized principles and norms of international law. This is illustrated by the fact that the Constitution includes provisions on the recognition of political pluralism and the multiparty system in Turkmenistan. The State ensures the conditions necessary for the development of civil society. Voluntary associations enjoy equality before the law (art. 17). Citizens have the right to form political parties and other voluntary associations operating in accordance with the Constitution and the laws of Turkmenistan (art. 44).

42. The right of citizens to establish voluntary associations is exercised under the Voluntary Associations Act (amended version of 3 May 2014). Citizens have the right to establish voluntary associations of their choosing without prior permission from the State or local authorities, as well as the right to join such associations, provided that they abide by the associations' statutes (art. 4). In the event that an application to register a voluntary association is denied, that decision may be appealed against in court (art. 4).

43. In the national human rights action plan for 2016–2020, the section on civil and political rights provides for the conduct of a review of existing legislation on voluntary associations with a view to refining it further.

44. The number of registered voluntary associations currently stands at 120, including 5 for the preservation of the country's natural and artistic heritage, 14 for the arts and sciences, 50 for sports, 10 for persons with disabilities, 7 for environmental issues, 7 for economic issues, 3 for the family, 8 for youth, 4 for international affairs and 12 for other issues.

45. Two voluntary organizations were registered in 2017: the National Anti-Doping Agency of Turkmenistan and the Hockey Federation of Turkmenistan.

46. Since the adoption of the Political Parties Act in 2012, three political parties have been registered: the Democratic Party of Turkmenistan, the Agrarian Party of Turkmenistan and the Industrialists and Entrepreneurs Party of Turkmenistan.

## Freedom of thought, conscience and religion (recommendations Nos. 113.73, 113.74, 114.7 and 114.8)

47. On 26 March 2016 an amended version of the Freedom of Religion and Religious Organizations Act was adopted. The Act provides that Turkmenistan, as a democratic and secular State that is governed by the rule of law and guarantees the freedom of religion and belief, shall ensure the equality of all persons irrespective of their religious beliefs, recognize the historical role of Islam in the development of the culture and spiritual life of the people, respect other religions and recognize the importance of interfaith harmony, religious tolerance and respect for citizens' religious beliefs.

48. As at 1 January 2018, there are 131 registered religious organizations. They include 108 Islamic organizations (103 Sunni and 5 Shia), 12 Orthodox organizations and 11 organizations of other religions.

49. In 2017, the Ministry of Justice registered five new religious organizations.

50. The importation of religious literature and supplies for churches is authorized. For example, religious literature and items produced by the manufacturer Sofrino have been imported from the Russian Federation.

51. With the support of the Commission on Cooperation with Religious Organizations in response to requests from citizens of Turkmenistan, every year more than 1,500 people of different ethnic backgrounds and both sexes make the pilgrimage to Mecca.

52. Between 2013 and 2017, religious leaders of different faiths from Russia, Germany, Argentina, Ukraine, the United States of America, Azerbaijan, Kazakhstan and Iran visited Turkmenistan and led religious services in churches and other places of worship in the country.

53. Turkmenistan is cooperating with the OSCE Centre in Ashgabat with regard to international standards on freedom of religion and belief.

54. In May 2015 and June 2016, workshops were held in Ashgabat on the theme "Promoting the implementation of international standards on freedom of religion and belief", with the participation of international experts from Great Britain. In August 2015, representatives of State bodies participated in a study visit to the United States, organized by the OSCE Centre, to learn about the country's experience with regard to the observance of human rights and freedoms in the field of religion and belief.

55. In the framework of the regional project of the OSCE Office for Democratic Institutions and Human Rights entitled "Promoting security and social cohesion through advancing freedom of religion or belief for all in Central Asia", 16 government officials from Turkmenistan participated in a train-the-trainer course on freedom of religion and belief, held in Warsaw in July 2017. Work to further upgrade knowledge and skills for the advancement of freedom of religion and belief will continue in 2018.

56. The Constitution provides that citizens are free to hold assemblies, rallies, demonstrations and other mass events under the conditions prescribed by law (art. 43). The Act on the Organization and Conduct of Assemblies, Rallies, Demonstrations and Other Mass Events (28 February 2015) specifies that participants in mass events have the right to take part in discussions, decision-making and other collective action in accordance with the objectives of the event and to collect and transmit demands and other communications from citizens to State authorities, voluntary associations and religious organizations, international organizations and other authorities and organizations.

57. The legislation on the organization and conduct of mass events does not include any prohibitions concerning the organization and conduct of unplanned events, provided that they take place in conditions that do not pose a risk to public safety or to the life, health or well-being of citizens, or to the spiritual and moral values of society.

58. As part of its constant efforts to improve national legislation, the parliament of Turkmenistan is exploring the possibility of simplifying the rules for the registration of

voluntary associations, broadening the range of places where peaceful assemblies may be held and confirming the regulations concerning spontaneous mass events.

## Freedom of opinion and expression (recommendations Nos. 113.69, 113.78, 113.83, 113.84, 113.85, 113.86, 113.87, 113.89, 112.59, 112.60, 112.61, 112.62, 112.63, 113.70 (g), 113.67, 113.68, 113.88, 113.87 (g) and 113.59)

59. Major efforts are being made in Turkmenistan to establish the country's own information and telecommunications infrastructure and to create the necessary legal, organizational, financial and educational conditions for the development of an information society.

60. Under article 42 of the Constitution, everyone is guaranteed the right to freedom of thought and speech. No one has the right to prohibit the free expression of opinions or to hinder their lawful dissemination.

61. The Mass Media Act of 22 December 2012 enshrines the fundamental principles of State policy on the media, under which the media in Turkmenistan are free.

62. Under article 30 of the Act, journalism is a free profession and is not subject to licensing. Journalists have the right to seek, request, receive and impart information; to have access to documents and materials, with the exception of portions containing State, trade or other legally protected secrets; to visit the locations of emergencies and to be present at mass public gatherings; to disseminate reports or content prepared by them under their own byline, under a pseudonym or without a byline; to set out their personal opinions and assessments under their byline in reports and content intended for circulation; to form trade unions and participate in their activities; and to exercise other rights provided for by law.

63. Under the Act, the use of artificial interference to disrupt the reception of radio or television channels, radio or television programmes, or radio or television or other signals broadcast on licensed frequencies is defined as an offence (art. 26).

64. On 3 May 2014, the Information Protection Act was adopted to regulate matters related to the exercise of the right to seek, gather, receive, send, produce, store, present, impart and use information, and also the application of information technologies and the protection of information.

65. The Act on the Legal Regulation of the Development of the Internet and the Provision of Internet Services in Turkmenistan was adopted in December 2014. This law enshrines State guarantees of protection in relation to the Internet, the rights and legitimate interests of citizens, State interests (art. 3) and citizens' rights and freedoms with regard to the use of the Internet and access to the information posted thereon (art. 6). One of the main objectives of the State policy on the provision of Internet services is to ensure universal and equal access to Internet connectivity by creating and maintaining State and non-State infrastructure for enabling technical devices to connect to the Internet (art. 7).

66. Internet services provide an accessible source of information for all the citizens of our country. Educational establishments are now equipped with modern multimedia and computer equipment and make use of interactive teaching methods. This enables young people to receive a world-class education, enrich their own lives, broaden their horizons and familiarize themselves with scientific achievements. All students in the country's educational institutions, at all levels, make use of electronic library services and have access to the services of the global Internet. Internet cafés have opened up for use by the public in the country's capital and in the provinces. The number of users signed up with Internet service providers was 2,395,000 in 2016; this is 1.5 times the number of subscribers in 2013.

### Hate crimes (equality and non-discrimination) (recommendation No. 113.55)

67. Under the Constitution, Turkmenistan guarantees equal human and civil rights and freedoms and equality before the law and the courts, irrespective of ethnic background, skin colour, sex, origin, property, official status, place of residence, language, religious affiliation, political beliefs or other circumstances. Accordingly, the State guarantees all persons' equality before the law and the courts, irrespective of any such circumstances and in accordance with international conventions and other instruments to which Turkmenistan is a party. No such circumstances may serve as grounds for discrimination against citizens or other individuals.

68. Article 177 of the country's Criminal Code criminalizes deliberate acts intended to inflame social, national, ethnic, racial or religious hatred or enmity or to demean any ethnic group, as well as propaganda attributing superior or inferior status to citizens on the grounds of their religious affiliation or their social, national, ethnic or racial background.

69. In the light of the recommendations made by the Committee on the Elimination of Racial Discrimination, the parliament is currently reviewing international experiences and the practices of developed countries with a view to exploring the possibility of further amending national legislation in order to bring it into line with the International Convention on the Elimination of All Forms of Racial Discrimination.

### Torture (prevention and prohibition) (recommendations Nos. 113.58, 113.69 and 113.70)

70. Under article 33 of the Constitution, no one may be subjected to torture, violence or cruel, inhuman or degrading treatment or punishment, nor may anyone be subjected without his or her consent to medical, scientific or other experimentation. Under article 62 of the Constitution, no one may be compelled to give evidence or testimony against himself or herself or against close relatives. Evidence obtained through psychological or physical coercion or other unlawful methods has no legal force.

71. A new article 182[1] has been added to the Criminal Code. The act of "torture" is defined in accordance with the concept of "torture" under international law and reflects the definition set out in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

72. The Criminal Code criminalizes the intentional infliction of moderately severe bodily harm by means that constitute torture or ill-treatment (art. 108).

73. According to Ministry of Internal Affairs data, to date there have been no complaints from persons in custody regarding torture or degrading treatment, and there are no records indicating that any acts of torture or ill-treatment have been committed.

74. According to the Supreme Court of Turkmenistan, no cases under article 182[1], "Torture", of the Criminal Code have come before the courts.

### Arbitrary detention and enforced disappearance

75. With respect to the Government's policy for implementing the core United Nations human rights conventions and meeting its obligations under international humanitarian law, it should be noted that the authorities cooperate with the OHCHR Working Group on Enforced or Involuntary Disappearances.

76. This engagement involves the exchange of views on matters within the Working Group's mandate, including through regular meetings with representatives of the Working Group. For example, on 17 May and 12 September 2017, the Permanent Representative of Turkmenistan to the United Nations Office at Geneva met with Working Group experts at that Office. During the discussions, the Permanent Representative provided information on the position of Turkmenistan on cooperation with the Working Group.

77. During these talks, the Working Group experts expressed their readiness to continue their dialogue with the Government of Turkmenistan on matters pertaining to the Working Group's mandate. At the same time, the Chair of the Working Group asserted that the outcome of these meetings, together with the information regularly provided by Turkmenistan on individuals serving sentences in correctional facilities in Turkmenistan, would be taken into account in the preparation of the Working Group's reports at its regular sessions.

## Conditions of detention (recommendations Nos. 113.61, 113.62, 113.63, 113.64, 113.65, 113.66, 113.72 and 112.57)

78. **Access to places of detention and visits by representatives of international organizations.** The Ministry of Internal Affairs cooperates closely with the International Committee of the Red Cross (ICRC) and OSCE on issues relating to the access of representatives of international organizations to places of detention. Each year, the Government of Turkmenistan and the ICRC Regional Delegation in Central Asia jointly adopt an action plan as part of multilateral cooperation in the area of prisons. Between 2011 and 2014, ICRC representatives carried out six humanitarian visits to different prisons.

79. In July 2014, ICRC representatives visited the new correctional colony for women (DZ-K/8) of the Dashoguz provincial police department, the facilities of which they had inspected after women prisoners were moved there.

80. On 19 August 2014, the head of the OSCE Centre in Ashgabat also visited the women's facility.

81. On 28 September 2015, the heads of the diplomatic missions of Great Britain, the United States, Germany and France in Turkmenistan and the heads of the UNDP office in Turkmenistan and the European Union office in Ashgabat visited the DZ-K/8 correctional institution.

82. Work is under way on the preparation of a draft memorandum of understanding between the Government of Turkmenistan and ICRC on cooperation and humanitarian activities for persons deprived of their liberty.

83. Measures to implement international humanitarian law are provided for under a cooperation plan for 2018 concluded between the Government of Turkmenistan and ICRC.

84. The juvenile offenders' colony of the Mary provincial police department in Bayramali and the DZ-K/8 women's correctional colony of the Dashoguz provincial police department were visited on 6 December 2016 and 31 January 2017, respectively, by a delegation composed of representatives of international organizations accredited in Turkmenistan and the ambassadors of several European countries and the United States. In particular, the participants included representatives of UNICEF and UNDP belonging to the United Nations country team in Turkmenistan, the OSCE Centre in Ashgabat, the European Union liaison office and the embassies of the United States, Germany, Italy, France and the United Kingdom.

85. On 13 November 2017 an international consultant on children's rights and a child rights monitor from the UNICEF office in Turkmenistan visited the MR-K/18 juvenile offenders' colony in Bayramali.

86. Recently there have been diplomatic contacts with the Embassy of Germany in Turkmenistan to arrange a visit to the correctional institution for men by representatives of embassies of some European countries in Turkmenistan, the United States and some international organizations.

87. **National legislation on prison inspections.** The penal laws of Turkmenistan consist of the Penal Enforcement Code of 2011 and other laws and regulations based on that Code. These texts set out general provisions and principles concerning the execution of penalties, the procedures and conditions for the enforcement and serving of sentences, and the application of other criminal law measures to prisoners.

88. Places of detention are subject to regular monitoring by the Oversight Commission of the Ministry of Internal Affairs Penal Correction Department, which periodically visits detainees and looks into their situation and conditions of detention.

89. The regulations on oversight commissions were approved by a presidential decision of 31 March 2010. These commissions conduct visits to places of deprivation of liberty in line with their annual plans. Between 2010 and 2017, there were 68 visits to correctional facilities, remand centres and the special rehabilitation centre.

90. The oversight commissions, which are independent bodies, monitor the extent to which correctional institutions comply with the law and with the procedures and conditions for the detention of convicts; provide adequate living and sanitary conditions; involve convicted prisoners in socially useful work; provide medical care; comply with legal norms on parole for convicts and substitution of milder forms of punishment for part of their sentences; organize and permit visits from relatives or other persons to convicted prisoners; and comply with the procedure whereby prisoners may transmit, receive or send packages, parcels, remittances and correspondence.

91. In accordance with article 18 of the Ombudsperson Act, the Ombudsperson has the right to visit, freely and without prior notification, any State bodies, local government bodies, enterprises, institutions or organizations, irrespective of the form in which they are legally constituted or their form of ownership, as well as correctional and other specialized institutions, pretrial detention centres and detention facilities of the armed forces of Turkmenistan and of other forces and military institutions, and to conduct inspections of their operations, either independently or jointly with competent State bodies, officials or civil servants.

92. Persons serving sentences in correctional institutions are provided with essential amenities. Prisoners' accommodation, all sleeping accommodation and sanitary and hygiene facilities meet all the relevant requirements and are appropriate to the climatic conditions in Turkmenistan. To maintain their health, inmates are provided with sufficient living space and adequate access to air and light. The levels of lighting, heating, ventilation and general comfort in detention facilities correspond to those required to protect inmates' health. Sufficient artificial light is provided for prisoners to read or work without injury to their eyesight.

93. By law, the minimum living space per prisoner is 4 square metres in correctional colonies, 3 square metres in prisons and 5 square metres in women's colonies, juvenile offenders' colonies and secure hospitals. To ensure that the actual state of affairs in the country's prisons reflects these requirements, constant efforts are made to repair, renovate and refit the relevant facilities and to provide prisoners with medical services and employment.

94. Capital repair and modernization work has been completed at some existing facilities and is under way at others. Between 2011 and 2017, over US$ 67 million was allocated from the State budget for construction work and capital repairs to facilities in the prison system and for the acquisition of medical equipment. These funds were used to build, among others, a new remand centre, BL-D/5, run by the Balkan provincial police department; a clinic at MR-K/16 in Bayramali, run by the Mary provincial police department; an accommodation block at the AH-D/1 remand centre, run by the Ahal provincial police department; and several buildings at the AH-K/3 remand centre in the District of Gökdepe, Province of Ahal.

95. The funds provided in 2017, amounting to US$ 6,317,000, were used for capital repairs to several buildings, the construction of buildings and facilities to improve sanitary and hygienic conditions, and the replacement of electrical and water systems in some correctional facilities of the Ministry of Internal Affairs Penal Correction Department. Some 82 per cent of this amount has been spent thus far.

96. Following the adoption of the Penal Enforcement Code on 25 March 2011, the laws and regulations of the Ministry of Internal Affairs were revised and aspects relating to the detention regime, to protection and to procedures and conditions of custody, among many others, were brought into line with the Code.

97. All correctional institutions have bathing and laundry facilities. Mandatory disinfection of all facilities is carried out each month. Local sanitation and epidemiological stations carry out health and epidemiological surveillance in correctional institutions.

98. Inmates are provided with personal hygiene supplies, food, bedding, medicines and other essentials, in accordance with the daily schedule, in sufficient amounts and of sufficient quality to maintain the health and strength of each inmate, all funded from the State budget.

99. A more nutritious diet is provided to prisoners who are pregnant or nursing, juveniles, those who are sick and those who have category I or II disabilities, in accordance with the presidential decision of 11 April 2014 on standards with regard to the diet and other living conditions of persons held in correctional institutions, remand centres and special rehabilitation centres.

100. Women account for approximately 10 per cent of the total prison population.

101. Juvenile inmates are kept strictly separate from adult inmates. Turkmenistan has one institution for juvenile offenders, the MR-K/18 facility in Bayramali, where 85 convicts are being held, including 38 minors. In 2016, juveniles accounted for 2 per cent of the total number of persons convicted, and 82 per cent of such juveniles were given non-custodial sentences.

102. Standards regarding the items issued to convicted prisoners (clothing, furniture, domestic equipment, means of communication, etc.) were approved by Ministry of Internal Affairs Order No. 184 of 21 July 2014.

103. Medical units have been set up within places of deprivation of liberty to provide medical care for prisoners. Those suffering from an active form of tuberculosis, alcoholism or drug or substance addiction are held and treated in secure hospitals. Inmates who need specialized medical services are transferred to the central hospital of the MR-K/15 facility run by the Mary provincial police department. Medical treatment and preventive health care for prisoners are organized in close cooperation with the local health authorities and are delivered in conformity with the legislation of Turkmenistan and internal prison regulations.

104. Between 2011 and 2017, a total of US$ 3,589,462 was allocated from the State budget for the acquisition of up-to-date medical equipment; the amount allocated in 2017 was US$ 2,235,742.

105. As part of the annual workplans of the Ministry of Internal Affairs Penal Correction Department, which is in charge of all of the country's prisons, between 2013 and 2017 the DZ-K/8 women's correctional colony of the Dashoguz provincial police department was visited 98 times by teams specially created to provide on-site inspections, evaluations, practical assistance and training.

## Prohibition of slavery and of trafficking in persons (recommendations Nos. 112.34, 112.35, 112.36 and 112.38)

106. The State policy for combating trafficking in persons is aimed at protecting the individual and society; improving legislation; preventing, detecting and suppressing activities related to trafficking in persons; creating favourable conditions for the physical, psychological and social rehabilitation of trafficking victims; and meeting the State's international obligations in this area.

107. The Trafficking in Persons Act of 15 October 2016 introduces regulations dealing with the identification of trafficking victims and the procedures for granting the status of trafficking victim to persons who have suffered from such criminal activity, as well as other matters relating to effective action to combat trafficking in persons.

108. Under the Act, amendments were made to the Criminal Code, the Code of Administrative Offences and the Bar and Advocacy Act.

109. On 12 January 2016, the State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings Act was adopted. This law establishes a system of

measures aimed at ensuring State protection of victims, witnesses and other participants in criminal proceedings, including the safety and social protection of such persons, and also defines the bases and procedures for the implementation of such measures.

110. Crimes related to trafficking in persons are uncommon; as of 2016, cases in this category accounted for 0.03 per cent of the total number of cases brought before the courts, while the number of persons convicted of such crimes accounted for 0.02 per cent of the total number of persons convicted.

111. According to Ministry of Internal Affairs data, between 2013 and 2017, 23 criminal cases were brought in Turkmenistan under article 129[1] of the Criminal Code, "Trafficking in persons", and a total of just 45 individuals were recorded as trafficking victims. Only one such crime was recorded in 2017. Criminal charges were brought against 23 Turkmen citizens in respect of these crimes.

112. The National Action Plan against Trafficking in Persons for the period 2016–2018 was approved by presidential decision on 18 March 2016. That comprehensive document outlines specific measures aimed at combating such trafficking. Proposed standard operating procedures for the identification of trafficking victims have been drafted and work is being done on the provisions concerning the repatriation of trafficking victims and the standard monitoring form for the implementation of the Action Plan. Information materials such as leaflets and booklets on human rights, migrants' rights and trafficking victims have been developed and published. In the period 2016–2017, with the assistance of the International Organization for Migration (IOM) office in Turkmenistan, 14 workshops and meetings were held, including regional meetings and 11 training sessions for law enforcement officers, judges, representatives of voluntary associations and local authorities, with the participation of international experts/trainers.

## IV. Economic, social and cultural rights (recommendations Nos. 112.72, 112.73, 112.66, 112.67, 112.75 and 112.76)

113. The Constitution of Turkmenistan plays an important role in strengthening the legal foundations of the State and ensuring the successful implementation of the social and economic reforms under way in the country.

114. The authorities of Turkmenistan have adopted and are implementing the National Socioeconomic Development Programme for the period 2011–2030, the revised National Presidential Programme on the improvement of social and living conditions in villages, towns, cities and district centres for the period up to 2020, and the Presidential Programme on socioeconomic development for the period 2018–2024.

115. In line with the reforms being carried out in Turkmenistan under the national development programmes and action plans, legislation is periodically amended, including legislation on social protection. In particular, the Budget Code of Turkmenistan is geared towards the development of social services and comprehensive social support for the population. Each year, over 75 per cent of budgetary resources are allocated to the social sector.

116. In recent years, enormous sums equivalent to over 40 per cent of GDP have been invested in the productive and social sectors, reflecting the accelerated pace of the country's progress towards developed-country status.

117. The effectiveness of the measures taken in this regard is demonstrated by the fact that, since October 2012, Turkmenistan has been among the countries with above-average per capita income.

118. In addition, the country has recorded consistently high rates of GDP growth. For example, the GDP growth rate for 2017 was 6.5 per cent.

119. All of these programmes, action plans and other legislative and regulatory measures provide for strategic actions to prevent any deterioration of the population's standard of living.

120. Every year, a presidential decree is issued whereby pensions, social benefits, scholarships and wages in all sectors of the economy are raised by 10 per cent. Public expenditure in the social sectors has increased.

121. Between 2013 and 2017, the number of preschool institutions increased by 130, bringing the nationwide total to 1,066. This increased the number of preschool spaces by 56,300, bringing the total preschool population to 244,900.

122. The number of schools in the general education system increased by 83 between 2013 and 2017, for a nationwide total of 1,865. The number of students grew by 241,300, reaching 1,203,100 by the end of 2017.

123. The country has 42 secondary-level vocational schools, in which 21,700 students are enrolled. Since 2013, the number of vocational schools has increased by 5 and the number of students enrolled in them has risen by 7,200.

124. Every year, the number of students in both domestic and foreign institutions has grown. In 2017, the total number of students in tertiary-level institutions was 41,300, representing a 38-per-cent increase over the number recorded in 2013.

## Right to health (recommendations Nos. 112.69 and 112.70)

125. The reforms implemented in the health-care sector are reflected in a 21-per-cent increase in the health-care budget for 2017. A significant share of the budget is devoted to programmes concerning reproductive health, maternal and child health, and the health of young people and other specific sectors of the population.

126. Between 2013 and 2017, measures were taken to strengthen the health-care infrastructure in rural areas. Resources from local budgets were used to build or renovate 28 new and 64 existing provincial hospitals, rural clinics and health centres supplied with modern medical equipment and ambulances, thereby expanding public health services.

127. The health-care infrastructure was further reinforced through the opening of 30 new institutions, including 4 urban health clinics and 5 acute-care and emergency centres in Ashgabat and the provincial capitals; major international centres offering services in the areas of dentistry, cardiology, neurology, endocrinology, surgery and maternal and child health; 3 health spas; a community health and nutrition centre; a centre for the prevention of particularly dangerous infections; and anatomical and scientific research centres. Furthermore, two university clinics for eye diseases and dentistry were modernized.

128. Several facilities are currently under construction: a 680-bed general hospital in Türkmenabat, a 120-bed maternal and child health centre in Mary and a health spa in the Avaza national tourism zone that can accommodate up to 200 people.

129. The State Medical University has opened two new faculties, one for sports medicine and one for military medicine, and has introduced training in the new field of restorative and alternative medicine. A total of 130 undergraduate programmes and 47 postgraduate programmes have been developed.

130. In order to improve access to quality health care for all sectors of the population, a strategy for the development of the pharmaceutical industry is being implemented. Between 2013 and 2017, the number of pharmaceutical companies belonging to the "Turkmendermansenagat" trade association nearly doubled, while pharmaceuticals production quadrupled. The companies belonging to the association produce over 400 types of medicines and medical products that are on the list of items sold to the population at reduced prices.

131. In 2016, the number of births was 6 per cent higher than the figure for 2012; the maternal mortality ratio stood at 3.6 per 100,000 live births.

132. The infant mortality rate was 21.0 per 1,000 live births; the neonatal mortality rate (probability of dying in the first month of life) was 13.0 per 1,000 live births; the proportion of births attended by skilled health personnel was 100 per cent; antenatal care coverage (at

least one visit) was 99.9 per cent; and the proportion of married women aged 15–49 years who were using contraceptives was 50.2 per cent.[1]

133. In accordance with the Public Health Act of 23 May 2015, persons under the age of 18 years are allowed to obtain an abortion with the written consent of the parents or guardians and the permission of the medical advisory board.

134. The proportion of children aged 24–35 months who, by their first birthday, had received the immunizations on the national immunization schedule is 95.3 per cent.[2]

135. The introduction of screening programmes has improved the early detection of malignancies.

136. Steps are being taken through the media to raise public awareness of health issues, including healthy lifestyles, harmful habits and the prevention of communicable and non-communicable diseases.

## Drinking water and sanitation (recommendations Nos. 112.74, 112.75 and 112.76)

137. In order to improve social and living conditions in rural areas, actions are being taken under the new version of the National Presidential Programme on the improvement of social and living conditions in villages, towns, cities and district centres for the period up to 2020 and under the general programme for the supply of clean drinking water to population centres in Turkmenistan.

138. Under the programme for villages, drinking water supply initiatives since 2008 have included the construction of over 9,200 km of piping, 1,700 km of sluices, some 600 boreholes, 6 water treatment plants and 5 drainage structures.

139. Access to drinking water has improved as a result of the efforts made under the general programme for the supply of clean drinking water to population centres in Turkmenistan for the period up to 2020. The proportion of the population living in households using improved drinking water sources has increased from 70.8 per cent to 82.8 per cent.[3] Such access is virtually universal in urban areas, at 97.8 per cent, while the proportion in rural areas is 73.2 per cent.[4]

140. The institutions of the State sanitary and epidemiological service of the Ministry of Health and the Medical Industry continuously monitor levels of drinking water production and consumption. The proportion of the population that has access to improved sanitation has been consistently high at 99 per cent. The proportion of the population living in households that use improved sanitation and hygiene facilities not shared with others stands at 98.6 per cent.[5]

## Persons living with HIV/AIDS (recommendations Nos. 112.77, 112.78 and 112.79)

141. Activities are continuing under the national programme to combat HIV infection in Turkmenistan, with the expansion of access to HIV counselling and testing for various population groups and initiatives for better informing the general public, especially young people, about how to prevent HIV infection.

142. Guidelines and clinical protocols for the prevention of HIV infection were put into practice in 2013 and 2015.

143. HIV testing is free and compulsory for pregnant women, blood donors and recipients, medical personnel who come in contact with bodily fluids, patients undergoing surgery and patients with cancer, tuberculosis, viral hepatitis or other infectious diseases.

144. The Act on Prevention of the Spread of Disease Caused by the Human Immunodeficiency Virus (HIV infection) was adopted in 2016, reflecting the levels of competence of State regulatory and monitoring bodies in combating the spread of HIV

infection. The Act defines the types of medical examinations for HIV and lists groups of people who are subject to compulsory medical examinations for HIV.

145. Specialists from AIDS prevention centres conducted more than 6,000 training sessions for health-care professionals, including primary-care professionals, on the prevention of HIV infection and the safe conduct of medical procedures.

146. In order to raise awareness about HIV/AIDS prevention among young people in general education schools and in secondary and higher vocational schools, 3,000 round-table discussions involving more than 135,000 people were held, along with about 2,000 talks during which videos were shown and booklets and brochures were distributed, involving more than 118,000 participants.

147. A total of 720 talks were held for military personnel and new recruits in the armed forces, border guard units and Ministry of Internal Affairs units. Over 72,000 participants attended these talks, during which videos were shown and booklets were distributed.

148. Members of the general public, including those in at-risk groups, can receive free information on an anonymous basis through a hotline operated by the National AIDS Prevention Centre. During the reporting period, some 3,000 people made use of the hotline.

## Right to education (recommendations Nos. 113.20, 112.82, 112.83, 112.80, 112.81 and 112.70 (g))

149. In 2013, the President of Turkmenistan issued a decree on the enhancement of the country's education system and approved the road map for the transition to a 12-year cycle that includes general secondary education. An amended version of the Education Act was also adopted in 2013.

150. A number of new subjects have been added to the secondary-school curriculum, such as basic economics, environmental studies, the cultural heritage of Turkmenistan, world culture, behavioural studies, information and communication technologies and technological innovation, mathematical modelling and graphic design.

151. Starting from the 2014/15 school year, a two-tier system of higher education (bachelor's degree and master's degree) was introduced.

152. Every year, the number of students enrolled in vocational training institutions has increased.

153. Conditions have been created for giving each student access both to information systems within the country and to the global computer networks that are the gateway to the world's leading scientific and educational institutions and companies in the manufacturing and service sectors.

154. Every year, pupils, students and teachers in educational institutions in Turkmenistan win medals in the Internet Olympiads. In 2017, for example, students and teachers in higher and vocational education institutions won 197 medals (gold, silver and bronze) in international Internet Olympiads, or 131 more than in 2013, when the medal count totalled 66.

155. The number of primary-school teachers increased from 15,500 to 19,300 between the 2013/14 and 2016/17 school years.

156. The country has educational institutions where teaching is carried out both in national languages and in Russian.

157. The ratio between male and female students in higher education rose from 0.52 to 0.56 between the 2013/14 and 2016/17 academic years.

158. In the 2013/14 school year, persons with disabilities accounted for 0.2 per cent of the secondary-school student population; in 2016/17, they accounted for 0.3 per cent. In secondary and higher vocational training institutions, no statistics on students with disabilities were kept until the 2016/17 school year, when the figures were 0.01 per cent and 0.03 per cent, respectively.

159. Literacy among persons aged 15 years or over is 99.9 per cent.[6]

160. Education expenditure accounted for more than 23 per cent of State budgetary expenditure in 2016.

### Right to development (recommendations Nos. 112.68 and 112.84)

161. Turkmenistan was one of the first countries in the world to begin consultations aimed at adapting the Sustainable Development Goals. The Government and the United Nations country team developed a three-phase plan for the implementation of the Goals in Turkmenistan. The first phase, involving the definition of requirements, was launched in October 2015 and ended in March 2016. As a result of the consultations held, 121 of the 169 targets were recommended for adoption without modification, 27 targets were adapted in the light of national conditions and 197 indicators were adopted, including 39 indicators developed at the national level.

162. In September 2016, the Cabinet of Ministers approved the list of Sustainable Development Goal targets and indicators that had been adapted to fit the national context.

163. On 17 November 2017, the President of Turkmenistan approved a plan of action for the implementation, at the national level, of the Sustainable Development Goals adopted by the States Members of the United Nations.

164. To this end, a two-tier system has been established at the policy and technical levels: the High-level Committee for the Implementation of the Sustainable Development Goals and the Inter-Agency Technical Committee for the Implementation of the Sustainable Development Goals.

165. The Inter-Agency Technical Coordination Committee for the Implementation of the Sustainable Development Goals is headed by the Ministry of Finance and Economic Affairs.

### Women's rights (recommendations Nos. 112.84, 112.44, 112.42, 112.51, 112.53, 112.49, 112.32, 112.30 (g), 112.40, 112.49 and 112.46)

### Discrimination against women (112.46, 112.45, 112.47, 112.48, 112.41, 112.33, 112.43 and 112.50)

166. The State has a key role to play in upholding the constitutional principle of equal rights and freedoms and fulfilling the country's international commitments on gender equality.

167. Issues of gender development are reflected in the national socioeconomic development programmes of Turkmenistan.

168. On 22 January 2015, the National Action Plan on Gender Equality in Turkmenistan, 2015–2020, was approved by presidential decision. The Plan is a comprehensive document that sets out strategic goals for the advancement of gender equality in order to pave the way for the further expansion of women's participation in the sociopolitical, socioeconomic, cultural and humanitarian life of our country.

169. On 18 August 2015, the parliament adopted the State Guarantees of Equal Rights for Women Act, which establishes State guarantees regarding equal rights and equal opportunities for women and men in all spheres of public and social life. Discrimination against women is prohibited in all areas of activity. Persons who engage in overt or covert discrimination against women are subject to prosecution under the relevant legislation.

170. The country's Constitution and labour laws provide that every individual has the right to work and to exercise his or her own discretion in choosing a profession, occupation and place of work, and to enjoy safe and healthy working conditions.

171. The Labour Code prohibits discrimination in employment on any grounds.

172. The Employment Act of 18 June 2016 provides for legal protection against all forms of discrimination, unjustified refusal to hire and unlawful dismissal or termination of an employment contract. It also provides for unemployment protection.

173. In order to protect mothers and children and to safeguard the rights and legitimate interests of employed women, children and persons with disabilities, the Labour Code includes special provisions on the employment of citizens in these categories, reflecting the State's special concern for persons requiring enhanced social and legal protection. Women, regardless of the length of their employment, are entitled to take unpaid leave in order to care for a child up to the age of 3 years. This leave may also be granted to another person who is actually caring for the child, including the child's father. During such childcare leave, the employee retains the right to return to his or her job or position (art. 97).

174. By order of the Minister of Labour and Social Protection and with the agreement of the State standards inspectorate and the Ministry of Health and the Medical Industry, rules on the maximum loads that women or persons under the age of 18 years may be required to lift or move by hand were adopted in August 2016.

175. The Ministry of Labour and Social Protection and the Ministry of Health and the Medical Industry are currently drawing up a list of jobs, occupations and duties which involve harmful or hazardous working conditions and in which the use of female labour is restricted.

176. The extent of women's participation in the labour market reflects their level of economic activity. In 2016, women made up 42.8 per cent of the economically active population and 45.1 per cent of the total number of people actually employed.

177. In May 2015, with the aim of creating ample opportunities and conditions for the exercise of citizens' constitutional right to work, increasing the availability of decent work for the population and developing the country's productive capacity, the President of Turkmenistan issued a decision approving a programme for enhancing the employment sector and creating new jobs in Turkmenistan for the period 2015–2020, as well as an action plan for the programme's implementation.

178. Some 7,800 new jobs were created in Turkmenistan in 2016, and 5,500 more were created in 2017. The increase in the number of jobs was driven primarily by the manufacturing sector, in which the number of jobs nearly tripled.

179. In 2017 some 74,000 people were registered with public employment agencies; the figure for 2015 was 80,300. The proportion who were placed in jobs was 92 per cent in 2017 and 92.2 per cent in 2015. Of the total number of people registered with public employment agencies, women accounted for 30 per cent in 2017 and 29 per cent in 2015. Of the total number of women registered, jobs were found for 89.2 per cent in 2017 and 89.3 per cent in 2015.

180. In January 2016, the Minister of Labour and Social Protection issued an order approving regulations whereby companies are required to set aside up to 5 per cent of the total number of jobs for persons with disabilities who have been cleared for employment under their individual rehabilitation programme and for single parents of large families whose children are under the age of 18 or have disabilities.

181. Under article 49 of the Constitution, employees are entitled to remuneration commensurate with the quantity and quality of their work. The amount of such remuneration may not be less than the minimum wage set by the Government. This constitutional provision is reflected in several articles of the Labour Code.

182. The principle of equal pay for work of equal value is not a formal rule, but is applied in social and legal practice.

183. According to official data from State statistics, women's pay levels are fairly high in various sectors of the economy. For the economy as a whole, in 2015 women's pay was 13 per cent lower than men's; in 2016, that gap narrowed to 12 per cent.

184. Under the National Action Plan on Human Rights in Turkmenistan, 2016–2020, the Ministry of Labour and Social Protection and the UNDP office in Turkmenistan are

implementing the project "Strengthening capacity in labour and employment policy planning and implementation", 2017–2019, the aim of which is to support the planning and implementation of labour and employment policies and strategies.

185. Particular importance is attached to strengthening and deepening international cooperation in this field, especially cooperation with the United Nations and other international organizations, which contributes to the development of further strategies for the realization of gender policy in the region and to the improvement of national legislation, the empowerment of women and the general protection of their interests.

186. The election of Turkmenistan to the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women for the period 2016–2018, to the Commission on the Status of Women for the period 2018–2022 and to the Executive Board of the United Nations Children's Fund for the period 2018–2020 has paved the way for our country's participation in the preparation and development of appropriate policies, standards and norms at the global level. These bodies' international activities have given further impetus to the efforts under way to achieve high-quality results in advancing international standards in the field of gender equality.

## Violence against women/gender-based violence, domestic violence (recommendations Nos. 113.51, 113.50, 113.52, 113.54 and 113.53)

187. Under the State Guarantees of Equal Rights and Equal Opportunities for Women and Men Act, the State guarantees the equal right of women and men to protection from sexual assault, abduction and trafficking (art. 24). The perpetrators of such acts are subject to criminal prosecution under the Criminal Code.

188. There is no specific offence of "domestic violence" in the legislation of Turkmenistan. However, under the Criminal Code, unlawful acts committed in the domestic sphere are criminalized. The relevant provisions of the Code criminalize unlawful acts of degradation, humiliation or cruelty and the infliction of various types of bodily injury, including on women.

189. One of the objectives of the National Action Plan on Gender Equality in Turkmenistan, 2015–2020, is to analyse national legislation with a view to the possible adoption of a law criminalizing violence and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence.

190. In the period 2014–2015, workshops were held in partnership with the UNFPA office in Turkmenistan, with the involvement of international experts, to define a methodology for these studies and to examine other countries' legislation on domestic violence and its application through the conduct of home visits.

191. Recently, a questionnaire was developed for the conduct of a study on the prevalence of violence against women.

192. Depending on the findings of the studies, proposed amendments to current national legislation will be developed or the preparation of a draft law on domestic violence will be advocated.

## Women's participation in political life (recommendation No. 113.52)

193. Under article 45 of the Constitution, citizens of Turkmenistan have the right to take part in the conduct of public and social affairs, both directly and through their freely chosen representatives. The Constitution of Turkmenistan guarantees the right of citizens to vote and to be elected to State and local authorities. Citizens enjoy equal rights to enter public service in accordance with their skills and occupational training (art. 46).

194. The Electoral Code of Turkmenistan of 4 May 2013 allows citizens who have attained the age of 18 to vote, to be elected and to participate in referendums (art. 3).

195. Women account for 26.4 per cent of the 125 deputies in the parliament of Turkmenistan. The Speaker and the Deputy Speaker of the parliament are women. Representative and executive bodies of government at all levels include women members.

196. At the legislative level, gender equality in access to public service is enshrined in the Civil Service Act of 26 March 2016. Owing to women's high levels of education and dynamism, they are widely represented in structures in all branches of government and all sectors of the country's economy, and are actively involved in public and political life in Turkmenistan. Women take part in the conduct of public affairs and in foreign policy matters on an equal footing with men. For example, the Ambassador (Permanent Representative) of Turkmenistan to the United Nations and the Ambassador of Turkmenistan to China are women.

197. Under the Political Parties Act of 10 January 2012, citizens of Turkmenistan have equal rights and equal opportunities to form political parties and to participate freely in their activities. Women are amply represented in the three parties registered in Turkmenistan.

## Minorities (equality and non-discrimination) (recommendations Nos. 112.25, 113.57, 113.56, 113.54, 113.55 and 113.56)

198. The constitutional principle of equal human and civil rights and freedoms, irrespective of ethnic background, is enshrined in the Labour Code, the Social Protection Code, the Employment Act and other laws and regulations of Turkmenistan.

199. In the preparation of employment figures and labour and social statistics, no provision is made for the collection of data on citizens' ethnic background, since all citizens, including ethnic minorities, have the right to equal participation both in the workforce and in the pension and social security systems.

200. The authorities have not identified any cases in which access to health-care services was restricted for persons belonging to ethnic or national minorities.

## Rights of the child (recommendations Nos. 112.28, 112.26, 112.31, 112.27, 112.29 and 112.58)

201. Under article 40 of the Constitution, the family, motherhood, fatherhood and childhood are protected by the State. Parents and guardians have the right and the duty to raise their children, to attend to their health, development and education, to prepare them for the world of work and to instil in them respect for the law and for historical and national traditions. The State creates conditions for the exercise of the rights and freedoms of young people and contributes to their full development.

202. To improve ways and means of protecting children's rights, on 1 June 2012 the President of Turkmenistan adopted a decision approving the general programme on the development of the juvenile justice system for the period 2012–2016. The programme is aimed at preventing juvenile crime, delinquency and recidivism, ensuring that judicial proceedings are child-friendly and respectful of the rights of the child, and ensuring that children are raised in a manner that fosters respect for national and universal values.

203. Legislative and institutional measures have been carried out for the implementation of the general programme. Currently, in partnership with the UNICEF office in Turkmenistan, the general programme is being assessed with a view to gauging the progress made and identifying potential areas for the development of its next phase.

## Child labour

204. Article 49 of the amended Constitution includes a provision prohibiting forced labour and the worst forms of child labour.

205. In June 2016, the Labour Code was amended so as to set 18 years as the minimum age for admission to employment. An employment contract may be concluded with a person under the age of 18 years only with the consent of the minor concerned and of one of his or her parents or guardians. The Social Protection Code, the State Guarantees of Children's Rights Act and the Road Safety Act have been amended accordingly.

206. Persons under the age of 18 have the same legal rights as adults with respect to labour relations, but under the Labour Code they are afforded more advantageous conditions in respect of occupational safety and health, working hours, leave and other conditions of employment.

207. Out of all the jobseekers registered with employment services, children under 18 years of age accounted for 1.2 per cent in 2013, 0.4 per cent in 2014, 0.3 per cent in 2015 and 0.1 per cent in 2016.

208. According to data from statistical surveys, out of the 703,000 people employed in large and medium-sized enterprises in Turkmenistan in 2014, 34 (0.005 per cent) were minors aged 16 years or younger. The corresponding figures for more recent years were 19 out of 721,000 people (0.003 per cent) in 2015 and 12 out of 705,000 people (0.002 per cent) in 2016.

209. The Government of Turkmenistan has adopted national measures to prohibit child labour, particularly in the cotton sector.

210. Under article 38 of the State Guarantees of Children's Rights Act, the State uses legal, economic, social, medical and educational means to protect children from all forms of exploitation at work.

211. During the school year, children may not be hired to perform agricultural or other work that takes them away from their studies.

212. Officials of educational institutions are subject to disciplinary action under labour law for the use of child labour in educational institutions for any activity, including agriculture.

213. Under article 304 of the Code of Administrative Offences, individuals, officials and bodies corporate are subject to fines and, in the case of bodies corporate, to the administrative suspension of their activities for up to three months if they fail to comply with the prohibition of forced or compulsory labour or the prohibitions applying to work performed by women or by persons under the age of 18 years.

214. Currently, in collaboration with UNICEF, the authorities are developing a national action plan for children in Turkmenistan.

## Persons with disabilities (recommendations Nos. 112.11, 112.12 and 112.39)

215. The right of citizens to social security in old age and in the event of sickness or disability is guaranteed under the Constitution (art. 54) and the Social Protection Code. The Labour Code also provides for guarantees of the rights of persons with disabilities in the labour market. Disability does not constitute permissible grounds for the denial of employment or promotion, termination of employment at the initiative of the employer or transfer to other work without the employee's consent. Exceptions to this prohibition are made in cases where a medical examination shows that the person's physical condition prevents him or her from performing the duties of the job or jeopardizes the health or safety of others.

216. Discrimination against persons with disabilities is prohibited and is punishable by law. The rights, freedoms and legitimate interests of persons with disabilities are protected by the State.

217. Under the Education Act of 2013, the State ensures the necessary conditions for enabling persons with disabilities to attend regular schools (inclusive education).

218. In accordance with the Convention on the Rights of the Child, in June 2016 the Social Protection Code was amended to replace the category "children with disabilities up to the age of 16 years" with the category "children with disabilities up to the age of 18 years". The survivor benefit provided in the event of the loss of a breadwinner, which varies in relation to the number of dependants, has been increased and provision has been made for the payment of this benefit to children up to the age of 18, regardless of whether or not they also receive the State disability benefit.

219. Children with disabilities have the right to participate fully and with dignity in the life of society. In order to provide social support to such children and help them integrate into society, the State maintains educational, medical and rehabilitation facilities where they can receive instruction, vocational training and education appropriate to their state of health. Parents or legal guardians caring for children with disabilities are allocated the benefits specified by law.

220. The Social Protection Code sets out regulations concerning the access of persons with disabilities to social infrastructure.

221. The number of facilities in Turkmenistan, including those for social purposes, that meet international standards on the access of vulnerable groups to social infrastructure has increased each year. To cater for urban public transport users, the authorities have purchased comfortable buses with accessibility features for vulnerable groups.

222. The regulations governing the organization of medical and social assessment boards and the conduct of examinations have been revised so as to facilitate the procedure for the certification of disability status.

223. The list of health-care benefits provided to persons with disabilities by medical establishments has been expanded to include joint replacements.

224. The State Statistical Committee, with input from the Ministry of Health and the Medical Industry and the Ministry of Labour and Social Protection, is creating a register of persons with disabilities.

225. In 2016, the President issued a decision approving regulations on compensation for industrial accidents.

226. In order to broaden opportunities and conditions for the employment of persons with disabilities, in May 2015 the President issued a decision approving the programme for enhancing the employment sector and creating new jobs for the period up to 2020 and a plan for the programme's implementation.

227. In January 2016, the Minister of Labour and Social Protection issued an order approving regulations whereby companies are required to set aside up to 5 per cent of the total number of jobs for persons with disabilities who have been cleared for employment under their individual rehabilitation programmes, and for single parents of large families whose children are under the age of 18 or have disabilities.

228. In order to improve the living standards of persons with disabilities, protect their right to work and create appropriate conditions for that purpose, in October 2016 a presidential decision was issued on the approval of a plan of action for the full realization of the labour and employment rights of persons with disabilities in Turkmenistan for the period 2017–2020.

229. The necessary working conditions are being created for persons with disabilities employed in enterprises, organizations and institutions, taking their individual rehabilitation programmes into account. Working conditions, working hours and rest periods, as well as the duration of annual and additional leave, are established by labour legislation.

230. The Social Protection Code also includes regulations on vocational training for persons with disabilities in accordance with their individual rehabilitation programmes.

231. In large and medium-sized enterprises, persons with disabilities accounted for 0.50 per cent of the total number of employees in 2016. The figures for 2013, 2014 and 2015 were 0.38 per cent, 0.45 per cent and 0.47 per cent, respectively.

232. According to data from the Pension Fund of Turkmenistan, employed persons with disabilities accounted for 5.4 per cent of the total number of persons with disabilities in 2015. This proportion rose to 6.0 per cent in 2016.

233. Between 2015 and 2017, the National Red Crescent Society of Turkmenistan carried out a large-scale initiative to provide social support to the most vulnerable sectors of the country's population, including persons with disabilities, single older persons, orphans, etc. More than 9,000 persons with disabilities, single elderly pensioners and orphans received such assistance over that period, during which the National Red Crescent Society donated more than 700 wheelchairs and 11 hearing aids to persons with disabilities. Under an agreement between the National Red Crescent Society and the Embassy of Japan, in 2016 a greenhouse was built at the boarding school for hard-of-hearing children in Türkmenabat to develop the occupational skills of children with disabilities.

## Other human rights issues

234. Turkmenistan has acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Turkmenistan was the first country in Central Asia to accede to these conventions, which are important instruments for effective action to prevent and reduce statelessness.

235. Law-making for the purpose of incorporating the provisions of international conventions into domestic law involves the conduct of comprehensive analyses. In the light of an analysis of national and international criteria for the granting of citizenship, the President signed decrees under which 6,455 people became citizens of Turkmenistan between 2011 and 2016.

236. On 8 December 2017, President Gurbanguly Berdimuhamedov issued a decree granting Turkmen citizenship to 1,690 non-citizens who had been permanently residing in the country. They included persons of 21 different nationalities, of whom 1,165 were adults and 525 were children under 18 years of age.

237. In the light of the country's accession to the above-mentioned treaties, and in order to guarantee the right to freedom of movement and freedom to leave the country, biometric travel documents that meet the new International Civil Aviation Organization (ICAO) standards have been developed and approved. A new specimen identity document for refugees and stateless persons has also been adopted. Modern security features have been incorporated into the biometric identity documents issued to citizens and the residence permits issued to foreign nationals living in Turkmenistan.

*Notes*

[1] Данные по Кластерному обследованию по многим показателям 5 раунда (2015-2016гг.).
[2] Данные по Кластерному обследованию по многим показателям 5 раунда (2015-2016гг.).
[3] Данные по Кластерному обследованию по многим показателям 3 раунда (2006г.).
[4] Данные по Кластерному обследованию по многим показателям 5 раунда (2015-2016 гг.).
[5] Данные по Кластерному обследованию по многим показателям 5 раунда (2015-2016 гг.).
[6] По данным переписи населения и жилищного фонда Туркменистана 2012 года.